

EXHIBIT A

CIRCUIT COURT SUMMONS

NASHVILLE, TENNESSEE

FILED

STATE OF TENNESSEE
DAVIDSON COUNTY
20TH JUDICIAL DISTRICT

2011 NOV 16 AM 10:14

- ☒ First
☐ Alias
☐ Pluries

NINA SPEARS

RICHARD R. ROOKER, Clerk

CIVIL ACTION
DOCKET NO.

11C4582

Plaintiff

Vs.

SPI.AMERICA, LLC and

ACUSIS, LLC

Defendant

Method of Service:

- ☐ Davidson County Sheriff
☒ Out of County Sheriff
☐ Secretary of State
☒ Certified Mail
☐ Personal Service
☐ Commissioner of Insurance

To the above named Defendant:

You are summoned to appear and defend a civil action filed against you in the Circuit Court, 1 Public Square, Room 302, P.O. Box 186303, Nashville, TN 37219-6303, and your defense must be made within thirty (30) days from the date this summons is served upon you. You are further directed to file your defense with the Clerk of the Court and send a copy to the Plaintiff's attorney at the address listed below.

In case of your failure to defend this action by the above date, judgment by default will be rendered against you for the relief demanded in the complaint.

ISSUED:

11-16-11

RICHARD R. ROOKER

Circuit Court Clerk
Davidson County, Tennessee

By:

Deputy Clerk

ATTORNEY FOR PLAINTIFF

or

PLAINTIFF'S ADDRESS

H. Thomas Parsons

101 W. Main Street

Address

Manchester, TN 37355

Telephone: 931-728-1316

TO THE SHERIFF:

Please execute this summons and make your return hereon as provided by law.

RICHARD R. ROOKER

Circuit Court Clerk

Received this summons for service this _____ day of _____, 20____.

SHERIFF



To request an ADA accommodation, please contact 880-3309.

RETURN ON PERSONAL SERVICE OF SUMMONS

I hereby certify and return that on the _____ day of _____, 20____, I:

☐ served this summons and complaint/petition on _____
_____ In the following manner:

☐ failed to serve this summons within 90 days after its issuance because _____

Sheriff/Process Server

RETURN ON SERVICE OF SUMMONS BY MAIL

I hereby certify and return, that on the _____ day of _____, 20____ I sent, postage prepaid by registered return receipt mail or certified return receipt mail, a certified copy of the summons and a copy of the complaint in Docket No. _____ to the defendant, _____. On the _____ day of _____, 20____, I received the return receipt for said registered or certified mail, which had been signed by _____ on the _____ day of _____, 20____. Said return receipt is attached to this original summons and both documents are being sent herewith to the Circuit Court Clerk for filing.

SWORN TO AND SUBSCRIBED BEFORE ME ON THIS:

_____ DAY OF _____, 20____.

PLAINTIFF, PLAINTIFF'S ATTORNEY OR OTHER PERSON
AUTHORIZED BY STATUTE TO SERVE PROCESS

_____ NOTARY PUBLIC or _____ DEPUTY CLERK

MY COMMISSION EXPIRES: _____

NOTICE

TO THE DEFENDANT(S):

Tennessee law provides a ten thousand dollar (\$10,000.00) debtor's equity interest personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized, you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

ATTACH
RETURN
RECEIPT
HERE
(IF APPLICABLE)

STATE OF TENNESSEE
COUNTY OF DAVIDSON

I, Richard R. Rooker, Clerk of the Circuit Court in the State and County aforesaid, do hereby certify this to be a true and correct copy of the original summons issued in this case.

RICHARD R. ROOKER, CLERK

(To be completed only if
copy certification required.)

By: _____ D.C.

CIRCUIT COURT SUMMONS

NASHVILLE, TENNESSEE

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DAVIDSON COUNTY
20TH JUDICIAL DISTRICT
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☐ Alias
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NINA SPEARS

RICHARD R. ROOKER, CLERK

CHAH

D.C.

Plaintiff

Vs.

SPI AMERICA, LLC and

ACUSIS, LLC

Defendant

CIVIL ACTION
DOCKET NO.

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ISSUED:

11-16-11

RICHARD R. ROOKER

Circuit Court Clerk
Davidson County, Tennessee

By:

CHAH

Deputy Clerk

ATTORNEY FOR PLAINTIFF

or

PLAINTIFF'S ADDRESS

H. Thomas Parsons

101 W. Main Street

Address

Manchester, TN 37355

Telephone: 931-728-1316

TO THE SHERIFF:

Please execute this summons and make your return hereon as provided by law.

RICHARD R. ROOKER

Circuit Court Clerk

Received this summons for service this _____ day of _____, 20____.

SHERIFF



To request an ADA accommodation, please contact 880-3309.

IN THE CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

2011 NOV 16 AM 10:14

RICHARD H. BOONER, CLERK

NINA SPEARS,

Plaintiff,

V.

SPi AMERICA, LLC and ACUSIS, LLC,

Defendant.

CASE NO. 11C4582 *C. H. H. H.*

COMPLAINT

Comes now the plaintiff, Nina Spears (hereinafter "Ms. Spears"), and brings this cause of action against the defendant, SPi AMERICA, LLC (hereinafter "Spi") and ACUSIS, LLC, (hereinafter "Acusis"), and shows as follows:

PARTIES

1. Ms. Spears is a citizen and resident of Davidson County, Tennessee.
2. SPi is an active, for-profit, corporation formed in Delaware, operating under the laws of Tennessee, and having a principal address of 2960 Professional Drive, Springfield, IL 62703. Spi's Registered Agent for service of process in Tennessee is National Registered Agents, Inc., 2300 Hillsboro Road, Suite 305, Nashville, Tennessee. Spi operated at all pertinent times as a medical transcription business with principal offices at 2960 Professional Drive, Springfield, Illinois 62703-5910. Acusis purchased SPi on or about September 30, 2011 and may have owned and/or operated SPi America LLC's medical transcription business at the times pertinent to the events leading to the filing of this suit. Acusis is a foreign LLC but operating under the laws of Tennessee and having a principal address at 200 1st Ave. 3rd Floor, Pittsburgh, Pennsylvania 15222-1512. Acusis has no registered agent for

the service of process listed in the Pennsylvania Department of State web site; however, service of process should be obtainable by service on its Registered Office Address listed in the Pennsylvania Department of State website set out above.

JURISDICTION AND VENUE

3. The acts complained of herein occurred in Davidson County, Tennessee, in that the Plaintiff worked from her home in Davidson County, Tennessee. Therefore, this Honorable Court has jurisdiction over this matter pursuant to TCA § 16-10-101, and venue is proper in Davidson County, Tennessee pursuant to TCA § 20-4-101.

STATEMENT OF FACTS

4. Plaintiff Nina Spears was employed by the Defendant, SPi, in 2004 as a medical transcriptionist working from her home in Davidson County, Tennessee.

5. She was discharged on or about September 23, 2011, pretextually for lack of production, particularly during the month of August, 2011.

6. The Plaintiff contracted carpal tunnel syndrome, a work connected repetitive use disease, in the course and scope of her employment with the defendant SPi.

7. The Plaintiff made a workers compensation claim against her employer, SPi, prior to July 26, 2011, the date on which she underwent surgery on her left hand and wrist as a result of her carpal tunnel syndrome work connected injury. The surgery was authorized and paid for by SPi. The Plaintiff was not released to return to work following the surgery for approximately five weeks and was unable to work during the month of August, 2011. Prior to that month she was one of the highest producers for SPi in medical transcription.

8. The firing of the Plaintiff clearly is a retaliatory action taken against the Plaintiff as a result of her workers compensation claim and use of her benefits provided to her under the Workers Compensation laws of the State of Tennessee.

9. The Defendants' Human Resources Manager was notified by the supervisor of the Plaintiff that Ms. Spears lack of production for the month of August resulted from her surgery and inability to work during the month of August, 2011, the recovery time from her surgery of July 26, 2011. Nevertheless, the Defendant persisted in terminating Ms. Spears.

CAUSE OF ACTION

10. Plaintiff restates and incorporates the allegations contained in the previous paragraphs.

11. By making a claim for worker's compensation benefits, the Plaintiff was exercising a statutory right under Tennessee law.

12. The stated reason by the Plaintiff's employer for terminating the Plaintiff was pretextual.

13. The Plaintiff was terminated from her employment for making a claim for workers' compensation benefits.

14. The claim for worker's compensation benefits, an exercise of a statutory right, was a substantial factor in Defendants' decision to discharge Ms. Spears.

15. Defendants' termination of Ms. Spears for exercising a protected right is a clear violation of public policy and amounts to retaliatory discharge under Tennessee common law.

16. As a direct and proximate cause of Defendants' conduct, Ms. Spears has suffered losses, including but not limited to, lost wages and benefits, emotional

damage, shame, humiliation and embarrassment, and lost earning capacity. She is entitled to both back pay and front pay.

17. Upon information and belief, the actions of Defendants are in violation of the law and were performed intentionally, with malice and/or in reckless disregard and indifference to Ms. Spears' protected rights, and, furthermore, Defendants knew or should have known that its conduct was prohibited by law. Ms. Spears is therefore entitled to and seeks punitive damages.

WHEREFORE, PLAINTIFF NINA SPEARS RESPECTFULLY REQUESTS:

1. That Defendants be served with process requiring them to answer this Complaint.
2. Compensatory damages, consequential and incidental damages, including but not limited to emotional damages, humiliation and embarrassment, lost wages, lost benefits and damages for past and future lost pay, and lost benefits that Plaintiff would have accrued if her employment had not been terminated in the amount of \$600,000.00, or such other amount as may be determined by a jury.
3. Punitive damages of \$200,000.00 or such other amount as may be determined.
4. That costs and attorneys' fees be paid by the Defendant.
5. Such further and general relief as this Honorable Court may deem just and proper.

Respectfully submitted,

PARSONS & NICHOLS

By H. Thomas Parsons
H. Thomas Parsons, BPR# 2571
Parsons & Nichols
Attorney for Plaintiff
101 W. Main St.
Manchester, TN 37355
931-728-1316

We are surety for costs up to \$500.00

H. Thomas Parsons
H. Thomas Parsons

I hereby certify that this is a true copy
of original instrument filed in my office
this 16 day of Nov 20 11
RICHARD P. HOOKER, Clerk
By C. Baker
Deputy Clerk

IN THE CIRCUIT COURT FOR DAVIDSON COUNTY TENNESSEE
AT NASHVILLE

NINA SPEAKS,)	
)	
Plaintiff,)	
)	
V.)	CASE NO. 11C4582
)	
SPi AMERICA, LLC and ACUSIS, LLC,)	
)	
Defendants)	
)	

NOTICE OF FILING OF NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1446(d), please take notice that on December 20th, 2011,
Defendants ACUSIS,LLC and SPi AMERCIA, LLC filed their Notice of Removal in the United
States District Court for the Middle District of Tennessee. The state court shall proceed no
further.

Respectfully submitted,

KING & BALLOW



Douglas R. Pierce, Esq.: No. 10084
C. Hunter Kitchens, Esq.: No. 30493
315 Union Street, Suite. 1100
Nashville, Tennessee 37201
Phone: (615) 259-3456
Fax: (615) 726-5419
dpierce@kingballow.com
hkitchens@kingballow.com

Attorneys for Defendant Acusis, LLC

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of December 2011, this Notice of Filing of Notice of

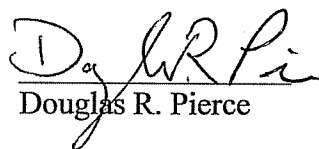
Removal was mailed via First Class Mail to participants:

H. Thomas Parsons
Parsons & Nichols
101 W. Main Street
Manchester, TN 37355
(931) 728-1316

Attorney for Plaintiff

John J. Michels, Jr. Esq.: No. 11608
Lewis Brisbois Bisgaard & Smith, LLP
550 W. Adams Suite 300
Chicago, IL 60661
Phone: (312) 345-1718
Fax: (312) 345-1778
jmichels@lbbslaw.com

Attorney for Defendant SPi


Douglas R. Pierce